

23 April 2013

To the Federal Communications Commission:

I urge the Commission to uphold section 73.3999, providing that "radio and television stations shall not broadcast obscene material at any time, and shall not broadcast indecent material during the period 6 a.m. through 10 p.m." *Complaints Against Various Broadcast Licensees Regarding Their Airing of the "Golden Globe Awards" Program*, Memorandum Opinion and Order, 19 FCC Rcd 4975 (2004) (the rule is currently in effect as described in the cited memorandum opinion and order).

I also urge the Commission to maintain the position recognized by the Court of Appeals for the District of Columbia Circuit, namely that "the Government has a compelling interest in protecting children under the age of 18 from exposure to indecent broadcasts. We are also satisfied that, standing alone, the 'channeling' of indecent broadcasts to the hours between midnight and 6:00 a.m. would not unduly burden the First Amendment." *Action for Children's Television v. FCC (ACT 111)*, 58 F.3d 654 (DC Cir. 1995) (en banc), cert. denied, 116 S. Ct 701 (1996). In connection with this position, I ask the Commission to treat isolated, non-sexual nudity the same as isolated expletives.

Respectfully submitted,  
David W. Smith